

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 349 – SB 554

March 13, 2017

SUMMARY OF ORIGINAL BILL: Changes the standard for when a court may terminate parental rights to a child, when the child was conceived as a result of the parent committing the offense of aggravated rape, rape, rape of a child, or a similar offense in another state, from a criminal conviction to clear and convincing evidence that the rape occurred. Establishes that a certified copy of the judgement of conviction is conclusive proof of this ground for termination of parental rights.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (004767): Deletes and rewrites the bill such that the only substantive change is specifying that if a child was conceived as a result of rape, rape of a child, or a similar offense in another state, the child's mother has standing to file a petition to terminate the parental rights of the other parent.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- Pursuant to Tenn. Code Ann. § 36-1-113(g)(10), a ground for termination of parental rights exists if a child is conceived as a result of the offense of aggravated rape, rape, or rape of a child and that parent is convicted of those offenses.
- The proposed legislation removes the requirement of conviction and allows for termination of parental rights based upon a finding of clear and convincing evidence that the child was conceived as a result of such offenses.
- Based on information provided by the Administrative Office of the Courts, any fiscal impact to the courts is estimated to be not significant and can be absorbed within existing judicial resources.

- Based on information provided by the Department of Children's Services, the proposed legislation will have no effect on policies or procedures; any fiscal impact is estimated to be not significant.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in blue ink that reads "Krista M. Lee". The signature is written in a cursive, flowing style.

Krista M. Lee, Executive Director

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